IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 7TH MARCH 2007 / 16TH PHALGUNA 1928

OP.No. 16247 of 2001(H)

PETITIONERS:

1. **M/S.WEST FORT HOSPITAL, THRISSUR-I, REP.BY MANAGING PARTNER, K.M.MOHANDAS, AGED 53 YEARS, S/O.KALIKANDAN MAMU, RESIDING AT 21/372/1 SRINAGAR, P.O. POONTHOL, WEST FORT, THRISSUR 680 004.**

2. **M/S. ELITE MISSION HOSPITAL, P.B.NO.1414, KOORKANCHERY P.O., TRISSUR-7, REP.BY MANAGING PARTNER, DR.K.K. MOHANDAS AGED 49 YEARS, S/O.K.K.KUNJANDY, KOZHYPARAMBU HOUSE, KASTHOORBA LINE, P.O., KOORKANCHERY, THRISSUR 680 007.**

3. **M/S.MOTHER HOSPITAL (PVT) LTD., P.O.PULLAZHY, OLARY THRISSUR 12, REP.BY ITS DIRECTOR, DR.P.A.ABDUL HAKKIM, AGED 43 YEARS, S/O. P.K.AKBATR ALI -DO-**

BY ADV. SRI.P.K.ABOOBACKER(EDATHALA)

RESPONDENTS:

1. **STATE OF KERALA, REP.BY CHIEF SECRETARY, GOVERNMENT OF KERALA, SECRETARIAT, THIRUVANANTHAPURAM.**

2. **THE DISTRICT LABOUR OFFICER, THRISSUR.**

3. **THE MINIMUM WAGES ADVISORY BOARD, REP.BY ITS SECRETARY, OFFICE OF THE MINIMUM WAGES ADVISORY BOARD, D.P.I. JN. JAGATHY, THIRUVANANTHAPURAM.**

BY GOVERNMENT PLEADER SRI.P.K.RAVIKRISHNAN

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 07/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP. NO.60940/2001,25647/2001,
CMP. 26409/2001 IN OP. 16247/2001.

DISMISSED

07.03.2007 **SD/- S.SIRI JAGAN, JUDGE**

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE NOTIFICATION G.O.(Rt) NO.1928/2000 DT.5.6.2000.

EXT.P2:- COPY OF THE MINUTES OF THE MEETING OF THE 3RD RESPONDENT HELD ON 28.8.99.

EXT.P3:- COPY OF THE LETTER NO.100/99 DT.1.9.99 OF THE SECRETARY OF THE 3RD RESPONDENT.

/TRUE COPY/

tss

S. SIRI JAGAN, J.

O.P.NO. 16247 OF 2001

DATED THIS THE 7th DAY OF MARCH, 2007

JUDGMENT

In this original petition, the petitioner - a private hospital challenges notification issued by the Government under the Minimum Wages Act fixing the minimum wages in respect of employees of private hospitals.

2. The learned Government pleader submits that several original petitions were filed challenging the notification which is under challenge in this original petition namely, O.P.Nos. 30835/99, 30354/2000, 23815/2000, 25420/2000, 9637/2001, 20430/2001, 4843/2001 and 1807/2001 and that the same were dismissed upholding the notification fixing the minimum wages.

In view of the decision in those original petitions, this original petition is also liable to be dismissed. Accordingly, the same is dismissed. However as done in the said cases, taking note of the pendency of this original petition and interim order I direct that the prosecution steps, if any, taken against the petitioners herein are not to be pursued any more and only fresh violations are to be taken

cognizance of by the enforcement authorities. The concerned authorities should take appropriate follow up action in respect of such proceedings as might be required.

S. SIRI JAGAN, JUDGE

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